

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LANA'YA AREANNA FULLER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MESHELL D. FULLER,

Respondent-Appellant.

UNPUBLISHED

August 16, 2007

No. 276365

Wayne Circuit Court

Family Division

LC No. 04-428172

Before: Smolenski, P.J., and Fitzgerald and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(ii), (g), and (j). We affirm.

This Court reviews for clear error the trial court's decision that a statutory ground for termination was proven by clear and convincing evidence. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence established that respondent's younger child suffered fatal injuries as a result of a traumatic injury inflicted while in the care of respondent and her boyfriend. Although the child displayed symptoms for three or four days that should have alerted respondent to the seriousness of his condition, respondent failed to seek treatment until he stopped breathing. Respondent also evinced apathy for his condition while the police were trying to resuscitate him. Even if termination was inappropriate under § 19b(3)(b)(ii), because respondent did not have an opportunity to anticipate or prevent the physical injury, termination was appropriate under §§ 19b(3)(g) and (j), considering respondent's failure to seek medical attention for the child and indifference to his injuries, as well as her transient lifestyle, which was inappropriate for children. A parent's treatment of one child is probative of how that parent might treat other children. *In re Powers*, 208 Mich App 582, 588-589; 528 NW2d 799 (1995).

Affirmed.

/s/ Michael R. Smolenski

/s/ E. Thomas Fitzgerald

/s/ Kirsten Frank Kelly